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Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Nuclear disarmament

Working paper submitted by the Islamic Republic of Iran

1. Nuclear weapons are unique in their destructive power. They cause unspeakable human suffering. The effects of any use of nuclear weapons are uncontrollable and indiscriminate. The existing arsenals of nuclear weapons alone are more than sufficient to destroy all life on earth. Some 15,000 such weapons remain, with thousands of them on high-alert status or subject to "first use" nuclear doctrines. A nuclear conflict could bring an end to our civilization. Thus, the nuclear weapons of nuclear-weapon States parties constitute the greatest global threat to international peace and security and to the survival of humankind. The extreme threat of the continued existence of nuclear weapons should be explicitly recognized in the Final Document of the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. The 2010 Review Conference expressed its deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons.

2. To remove the threat of annihilation of humankind arising from the existence of nuclear weapons, the international community has long recognized that there is no other alternative than proceeding to nuclear disarmament and the total elimination of nuclear weapons as the only absolute guarantee against their use or the threat of their use. Based on this conviction, the Treaty on the Non-Proliferation of Nuclear Weapons is not an end in itself but only a means to an end, which is the achievement of nuclear disarmament. The Final Document of the 2000 Review Conference clarified the inherent link between nuclear non-proliferation and nuclear disarmament by recalling that the overwhelming majority of States had entered into legally binding commitments not to receive, manufacture or otherwise acquire nuclear weapons in the context, inter alia, of the corresponding legally binding commitment by the nuclear-weapon States to nuclear disarmament. This means that the objective of non-proliferation of nuclear weapons derives its legitimacy from the larger objective of nuclear disarmament. Not only have the parties to the Treaty declared, in its preamble, their intention to undertake effective measures in the direction of nuclear disarmament and urged "the cooperation of all States in the attainment of this objective", but each of them has also undertaken, under article VI, "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament". Achieving nuclear

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disarmament is in the interests of ensuring the genuine security and peaceful future of all the nations and peoples of the world.

3. In its advisory opinion of 8 July 1996 on the legality of the threat or use of nuclear weapons, the International Court of Justice unanimously concluded that "there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control". Without doubt, the advisory opinion is of the utmost importance in confirming the legal obligation of the nuclear-weapon States with regard to nuclear disarmament.

4. The 2020 Review Conference should acknowledge that the implementation of obligations under article VI of the Treaty is not conditional. As unanimously concluded by the International Court of Justice in its advisory opinion of 8 July 1996, "the legal import of that obligation goes beyond that of a mere obligation of conduct; the obligation involved here is an obligation to achieve a precise result — nuclear disarmament in all its aspects — by adopting a particular course of conduct, namely, the pursuit of negotiations on the matter in good faith". The unconditional nature of the nuclear disarmament obligation under article VI was reiterated in the Final Document of the 2000 Review Conference, in which the nuclear-weapon States agreed that they have "an unequivocal undertaking" to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament.

5. In the 1995 Review and Extension Conference and the 2000 and 2010 Review Conferences, important specific commitments were made for the implementation of article VI. The 1995 Review and Extension Conference, in its decision 2, concluded that "the undertakings with regard to nuclear disarmament as set out in the Treaty on the Non-Proliferation of Nuclear Weapons should be fulfilled with determination". In this regard, the nuclear-weapon States reaffirmed their commitment to nuclear disarmament. The 2000 Review Conference agreed on 13 practical steps to implement article VI of the Treaty, which include "an unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States Parties are committed under article VI". The 2010 Review Conference agreed on a 22-point "action plan on nuclear disarmament, which includes concrete steps for the total elimination of nuclear weapons". Through this action plan, the Conference "reaffirms the urgent need for the nuclear-weapon States to implement the steps leading to nuclear disarmament agreed to in the Final Document of the 2000 Review Conference".

6. The 2020 Review Conference should reiterate that the implementation of article VI is essential to the maintenance of the Treaty and its credibility and reaffirm the continued validity of nuclear disarmament commitments agreed upon in the previous Review Conferences. Also, all nuclear-weapon States should reiterate their unequivocal commitment to fully implement their existing obligations with regard to nuclear disarmament. They should clearly declare in the Final Document of the Review Conference that the indefinite retention of nuclear weapons is illegitimate and in contravention of the purpose and object of the Treaty and that they do not intend to retain their nuclear weapons indefinitely.

7. Despite the existence of a 48-year-old explicit legal obligation regarding nuclear disarmament and the commitments made in the context of the Review Conferences of the Treaty to make progress on the implementation of article VI, the objective of that article remains unfulfilled. While the Treaty requires all its parties to undertake negotiations in good faith on nuclear disarmament, those negotiations have never taken place in the 48-year history of the Treaty. The nuclear-weapon States parties to the Treaty, by not actively pursuing or participating in negotiations in good faith on effective measures relating to the cessation of the nuclear arms race at an early date

and to nuclear disarmament, have breached and continue to breach their legal duty to perform their obligations under the Treaty in good faith. Consequently, the achievement of the objective of nuclear disarmament appears to be as far away today as it was in 1970, when the Treaty entered into force, or even further. The persistence of this situation has undermined the confidence of non-nuclear-weapon States in the Treaty and its capacity to realize the promise of nuclear disarmament. The continued non-compliance with the nuclear disarmament obligations presents the most serious challenge to the viability of the Treaty.

8. Given the fact that new negotiations have not been pursued and new agreements have not been reached, in the period under review on effective measures relating to nuclear disarmament, the 2020 Review Conference should express deep regret and concern over the lack of progress by the nuclear-weapon States in accomplishing the total elimination of their nuclear arsenals in accordance with their relevant multilateral legal obligations. Undertaking urgent and effective measures aimed at nuclear disarmament and the complete elimination of nuclear weapons should have the highest priority in the 2020 Review Conference. The Conference should call for urgent compliance with legal obligations and the fulfilment of commitments on nuclear disarmament. In this context, the 2020 Review Conference should call upon all the nuclear-weapon States to participate in the urgent negotiation and conclusion of a comprehensive nuclear weapons convention as a matter of the highest priority in the Conference on Disarmament.

9. The nuclear-weapon States, in particular those that possess the most important nuclear arsenals, have the primary responsibility for achieving nuclear disarmament. The political will and nuclear policy of those nuclear-weapon States have a determining impact on the prospects of the Treaty's success or failure in achieving the objective of nuclear disarmament. Action 1 of the action plan agreed upon by the 2010 Review Conference provided that all States parties commit to pursuing policies that are fully compatible with the Treaty and the objective of achieving a world without nuclear weapons. However, the recently announced nuclear policy of the United States, known as the 2018 Nuclear Posture Review, which emphasizes the utility of retaining nuclear weapons and the threat to use them and massive plans for long-term expansion and modernization of its nuclear arsenal, is fully and fundamentally incompatible with that country's Treaty commitments. This is a matter of serious concern that needs to be addressed thoroughly in the Treaty review process. The 2020 Review Conference should call upon the nuclear-weapon States to commit to refraining from pursuing policies inconsistent with their obligations under article VI of the Treaty.

10. It is estimated that more than 2,200 of the existing nuclear warheads are on alert and ready for use in minutes or hours. This means that thousands of nuclear weapons continue to play a significant role in the war plans and military and security doctrines of their possessors. Some nuclear-weapon States, in particular the United States, have dangerously increased their reliance on nuclear weapons and expanded the role of such weapons in their military concepts and doctrines in violation of their commitment at the 2000 and 2010 Review Conferences to diminish the role and significance of nuclear weapons in their military and security doctrines and policies. For instance, the United States continues to insist that deterring nuclear attacks is not the sole purpose or mission of its nuclear weapons and threatens to use them not only against nuclear-weapon States but also against non-nuclear-weapon States.

11. Certain nuclear-weapon States are engaged in massive nuclear weapon modernization projects. They are also developing new types of nuclear weapons for new military missions. For instance, the United States plans to spend $1.2 trillion on a tremendous build-up of its nuclear arsenal. Such long-term modernization and build-up of nuclear weapons presents a dangerous obstacle to the nuclear

disarmament process. The Final Document of the 2020 Review Conference should include a clear commitment by all nuclear-weapon States to cease completely and immediately all plans aimed at upgrading and refurbishing their existing nuclear weapons and their means of delivery, developing new types of nuclear weapons systems and constructing any new facility for the development, deployment and production of nuclear weapons and their means of delivery at home and abroad.

12. According to the latest estimates, today there exist more than 15,000 nuclear weapons worldwide. This means, quantitatively, that there are nearly 79 per cent fewer than the Cold War peak of around 70,000 warheads in the mid-1980s. However, this is only one part of the story regarding the reduction of nuclear weapons. To assess the quantity and quality of existing nuclear weapons worldwide, the danger they pose and the true nature of reduction efforts, one should also take into account some illuminating facts:

(a) Most of the warheads subject to reduction have only been moved from operational status to various reserve, inactive or contingency categories, since concerned agreements, including the Strategic Arms Reduction Treaty, have not only failed to require the destruction of warheads but have also ignored non-strategic and non-deployed warheads. Thus, most of the more than 125,000 nuclear warheads that have been built since 1945 continue to exist. Decommissioning nuclear weapons is not nuclear disarmament. This signifies that the principle of irreversibility, as agreed upon in the successive Review Conferences of the Treaty, has not been applied to such reductions. The 2020 Review Conference should reiterate, once again, the importance of applying the principles of transparency, irreversibility and verifiability in nuclear weapons reductions;

(b) The yield of nuclear weapons has been increased from kilotons to megatons through the replacement of atomic bombs (A-bombs) by hydrogen bombs (H-bombs), which are thousands of times more destructive. As a result, most existing nuclear weapons would explode with a force roughly 8 to 100 times greater than that of the bombs dropped on Hiroshima and Nagasaki. Therefore, reductions in the number of nuclear weapons have not led to a reduction in their destructive power and capacity in comparison with that of the Cold War era. Definitely, nuclear disarmament goes beyond merely reducing the number of nuclear weapons while preserving their even greater destructive power;

(c) The 2010 action plan on nuclear disarmament "affirms the need for the nuclear-weapon States to reduce and eliminate all types of their nuclear weapons". Likewise, by virtue of the plan, "the nuclear-weapon States commit to undertake further efforts to reduce and ultimately eliminate all types of nuclear weapons". Since non-strategic nuclear weapons are designed for battlefield contingencies, the probability of their use is much greater than that of strategic nuclear weapons. Much worse, while none of the bilateral nuclear arms reduction agreements covered issues relating to non-strategic nuclear weapons, the development of new types of such weapons, including by many of the nuclear-weapon possessors, continues unabated, which, by reducing the threshold for their use, increases the possibility and risk of their use. The 2020 Review Conference should call for deep and verifiable reductions in non-strategic nuclear weapons as part of the process of pursuing the objectives of article VI;

(d) Above all, one should also take into account the recent dangerous announcement by a certain nuclear-weapon State that it intends to continuously strengthen and expand its nuclear arsenal to make sure that it is at the "top of the pack" and is "never going to fall behind on nuclear power". Such provocative statements and plans should be considered a clear indication of, and an explicit invitation for, the start of a new nuclear arms race and a violation of the nuclear

disarmament obligations under article VI of the Treaty, as they clearly contradict the object and purpose of the Treaty.

13. The inability of the 2015 Review Conference to adopt an outcome document on nuclear disarmament illustrates a very uncertain and unpromising future for the Treaty unless concrete decisions, with a time-bound implementation plan, are made by the 2020 Review Conference to rectify this trend. Taking into account the current stalemate in the implementation of nuclear disarmament obligations and commitments and in line with action 5 of the 2010 action plan on nuclear disarmament, under which it was decided to consider, during the subsequent Review Conference, "the next steps for the full implementation of article VI", the 2020 Review Conference should take concrete decisions on nuclear disarmament, so as to stop the ever-deepening frustration of the non-nuclear-weapon States, prevent the continuous erosion of the credibility of the Treaty and end the situations undermining the effectiveness of this important instrument.